

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

KYLE T. MAXEY,
Petitioner,

v.

J. STREEVAL,
Respondent.

)
)
)
)
)
)
)

Case No. 7:22-cv-00501

By: Michael F. Urbanski
Chief United States District Judge

MEMORANDUM OPINION

Kyle T. Maxey, a federal inmate proceeding pro se, filed this action as a petition for writ of habeas corpus under 28 U.S.C. § 2241. By order entered February 17, 2023, the court directed Maxey to submit a consent form within twenty days in order to proceed without prepayment of the applicable filing fee. See ECF No. 9. The order expressly warned Maxey that failure to comply with the order would result in the dismissal of the action without prejudice.

As of this date, Maxey has not paid the filing fee or returned the consent form. He has not complied with the court's order, and the time for doing so has expired. Accordingly, the court will dismiss the action without prejudice. See Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989) (recognizing that courts have "the power to order dismissal of an action for failure to comply with court orders"). An appropriate order will be entered.

Entered: April 11, 2023



Digitally signed by Michael F.
Urbanski Chief U.S. District
Judge
Date: 2023.04.11 08:54:37 -04'00'

Michael F. Urbanski
Chief United States District Judge